



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

May 12, 2003

SUBJECT: **2004-0303 – Vladimir Taft [Applicant] Varni Properties, Inc. [Owner]**: Application on a 3.2 acre site located at **1161 North Fair Oaks Avenue** in an R-4-PD (High Density Residential, Planned Development) Zoning District. (APN: 110-29-040);

Motion Special Development Permit on a 3.2 acre site to allow a 17,894 square-foot adult day health care facility in a portion of an existing industrial building.

REPORT IN BRIEF

Existing Site Conditions Industrial and office building with warehousing and office uses.

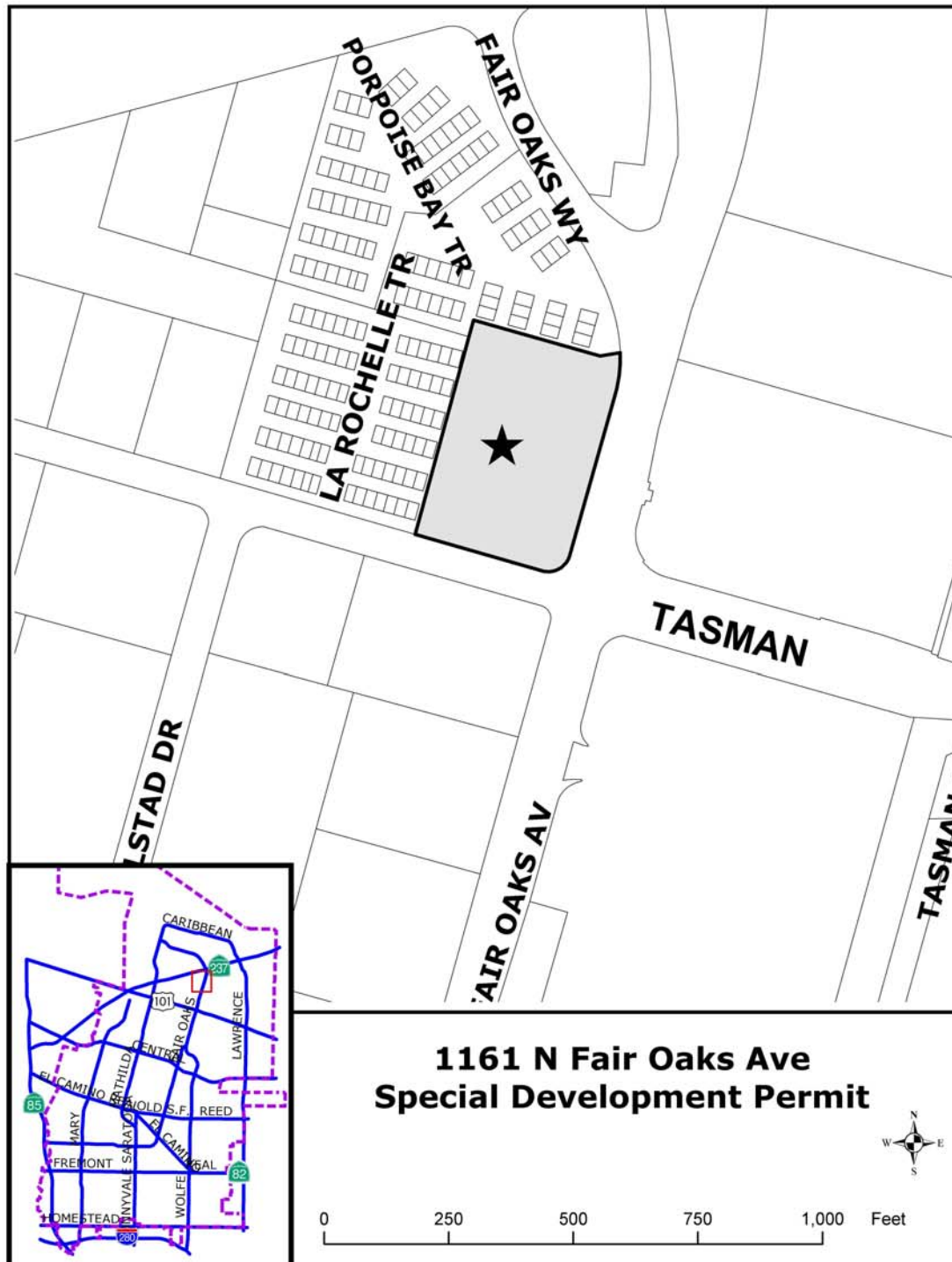
Surrounding Land Uses

North	Medium Density Residential
South	Medium Density Residential
East	High Density Residential
West	Medium Density Residential

Issues Compatibility of the proposed use with the surrounding uses.

Environmental Status A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approval with conditions



PROJECT DATA TABLE

	<u>EXISTING</u>	<u>PROPOSED</u>	<u>REQUIRED/ PERMITTED</u>
General Plan	ITR-R3-R4	Same	Same
Zoning District	R-4-PD	Same	---
Lot Size (s.f.)	139,828	Same	8,000 min.
Gross Floor Area (s.f.)	48,000	Same	N/A
Floor Area Tenant Space	18,000	Same	N/A
Lot Coverage (%)	34%	Same	40% max.
Floor Area Ratio (FAR)	34%	Same	N/A
No. of Tenants	3	Same	N/A
Setbacks (facing prop.)			
• Front (N. Fair Oaks Av)	25 - 38'	Same	20' min.
• Left Side (Tasman Dr)	21 - 25'	Same	9' min. Total 20'
• Right Side	22'	Same	9' min. Total 20'
• Rear	140'	Same	20' min.
Landscaping			
• Landscaping (s.f.)	9,088 (6.5%)	Same	20% min.
Parking			
• Total No. of Spaces	167	160	96 min.
• No. of Standards	106	106	48 min.
• No. of Compacts / % of total	55 (33%)	55 (33%)	48 (50%) max.
• No. of Accessible	6	6	4 min.

 = Non-conforming to current SMC

ANALYSIS**Description of Proposed Project**

Bay Area Adult Day Health Care is a proposed new adult day health care (ADHC) center in the R-4-PD Residential Zone. The proposed use will be in an existing 48,000 square feet industrial office building which is comprised of

three separate tenant spaces. The applicant is proposing to use the tenant space closest to Tasman Drive.

ADHC centers are California State regulated businesses that provide a full range of health care, rehabilitative, social, psychological, and related support services for the elderly population. The purpose is to restore or maintain optimal capacity for self-reliance. Participants spend time with people of similar age and background and participate in therapeutic recreational and social activities that encourage healthy lifestyles. These centers provide services through individual care plans and target adults who are at the institutional level of care or at risk of institutional placement.

All ADHC businesses are required to receive a license from the State that is reviewed on a yearly basis. The California Department of Aging (CDA) administers the program and the centers are licensed by the State Department of Health Services as health care facilities. As part of Bay Area's ADHC state license, there is a requirement to provide door-to-door transportation for all participants. A detailed description of this transportation and the required parking is provided in Parking and Circulation section.

The applicant states that ADHC businesses are in demand due primarily to the general trend of an aging population and due secondarily to the rise in popularity of these types of programs for seniors. In Santa Clara County, the applicant specifically states that there currently are over 35,000 qualified people age 65+ in the County with only a small number of existing ADHC centers.

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act, as amended, and in accordance with City Guidelines. Class 1 Categorical Exemptions include changes in use to existing facilities.

Special Development Permit

Use: Bay Area Adult Day Health Care will service primarily adults 65+ in age and who receive Medi-Cal benefits. Individuals attending the center may be eligible:

1. If they have a medical condition that requires treatment or rehabilitative services prescribed by a physician.
2. A physical and/or mental impairment that handicap activities of daily living, but not so serious as to require 24-hour institutional care.
3. A reasonable expectation that preventive services will maintain or improve the present level of functioning.

4. A high chance of further deterioration and probable institutionalization if ADHC services were not available.

This center is primarily for functioning adults to prevent the risk of deterioration of their physical or mental health. For further details regarding the services provided at Bay Area ADHC, please refer to the applicant's project description in Attachment 3.

The center will have a maximum of 300 participants over one day and will be open from 8:00am to 6:00pm, Monday through Saturday. If the enrollment reaches its maximum participant load of 150, then the center will have multiple shifts during the day (morning and afternoon). The average participant stay is about 4 hours, so eventually there will be two shifts of 150 participants, which will overlap during the noon hour. These multi-shifts are required in order to drop off and pickup each participant.

The ADHC will have the following staff: Administrator, Program Director, Nurse, Social Workers, Activity Coordinators, and Program Aids (1 Aid for 16 participants). This will total, at any one time, 20 full-time employees.

Site Layout: The existing 48,000 square foot building is comprised of three separate tenant spaces. The first space, proposed to be used by Bay Area ADHC, fronts along Tasman Drive and is 18,000 square feet. The space is currently vacant but was previously occupied by Viquity, which was an office use. Prior to Viquity was Bell Electronics (1975-1999), which was an electronics reseller and distributor. No hazardous materials were used in this space. The middle tenant space is also currently vacant and is 18,000 square feet. The applicant states that the previous uses were general Research and Development office uses. The third tenant space, farthest to the north of the site, is 12,000 square feet and is occupied by AKZO Noble Coating, Inc. AKZO Noble is a retail and wholesale store that sells auto body supplies such as: automotive paints, equipment, software, and consulting services. The business primary function is warehousing and distribution to automotive repair shops, although it does provide retail sales directly to the public. None of the products sold are used on site.

The interior of the proposed Bay Area ADHC tenant space is comprised mainly of offices and open floor area. The offices will be used for individual counseling areas and general office activities. The open floor areas will be used for dining, physical therapy, group counseling, and activity areas. The tenant space will not have a kitchen and all food service will be provided by an outside catering service. (Condition of Approval #11)

The applicant is not proposing any major physical improvements to the interior of the space. The space has already been upgraded by the previous tenant to meet ADA and current fire safety standards.

There is one proposed alteration to the exterior of the building. This is a new fenced recreation area on the west side of the building. The applicant is proposing a six foot high wood fence, painted to match the building, leading from the side of the building into the parking lot area. A total of 7 parking spaces will be removed to create this approximate 2,000 square foot area. (See Attachment 4 for details) This open space is required under the state ADHC license to allow participants an outdoor congregation area. In the space there will be seating, tables, umbrellas, and removable planters.

Architecture: There are no proposed changes to the architecture of the building.

Landscaping: The 9,088 square feet of landscaping equals 6.5% of the total site, where 20% is required by City code. The site became non-conforming in 1997 when the Valley Transit Authority (VTA) expanded the Tasman line of the light rail. At that time, the City required dedication of street frontage along N. Fair Oaks to create sufficient room for the light rail. In 1998 an MPP was approved that allowed the site to become existing non-conforming to the current landscaping requirements.

The landscaping on-site consists of linear lawn areas along the two street frontages and several planting areas. There is also a landscaping planting strip between the parking lot and the adjacent residential use to the west. In this landscape planting strip there are some existing trees and a 20 foot high sound wall that screen between the two properties.

Parking/Circulation: There are currently 167 parking spaces on site, of which 6 are accessible spaces and 55 are compact. The following table reflects the previous use of the building and the required parking:

1161 N. Fair Oaks Site Parking Analysis – Previous Uses			
Type of Use	Square Footage	Parking Ratio	Parking Spaces Req.
Viquity	18,000 s.f.	1 space/ 500 square feet min.	36 min.
General R&D/Office	18,000 s.f.	1 space/ 500 square feet min.	36 min.
AKZO Noble Coating	12,000 s.f.	1 space/ 900 square feet min.	14 min.
Total	48,000 s.f.		86 min.

The proposed use would require approximately 46 parking spaces under Sunnyvale Municipal Code 19.46.050. The following table shows that the site, with the new proposed use, will be conforming to SMC parking standards:

1161 N. Fair Oaks Site Parking Analysis – Proposed Uses			
Type of Use	Square Footage	Parking Ratio	Number of Parking Spaces Req.
Bay Area ADHC	18,000 s.f.	1 space/500 s.f. – office uses 1 space/200 s.f. – medical uses 1 space/400 s.f. – additional areas	46 min.
General R&D/Office (vacant)	18,000 s.f.	1 space/ 500 square feet min.	36 min.
AKZO Noble Coating	12,000 s.f.	1 space/ 900 square feet minimum	14 min.
Total	48,000 s.f.		96 min.

As part of an ADHC State license requirements, door-to-door transportation must be provided for all participants on a daily basis. A qualified local vendor will provide this transportation with disabled accessible vans. The vans will have an average capacity of 20 passengers, and the number of vans will be increased as the number of participants grows. Initially the vans will not be parked at the site during the day or stored at the center overnight. The applicant has stated that they plan to eventually acquire their own vans and are allowed under their lease agreement to park them overnight in the parking lot area. There are expected to be approximately 10 – 15 vans trips in the morning and 10 – 15 trips in the afternoon.

Staff believes that the actual number of participants who will drive themselves to the site will be very low. This belief is based on information provided by the applicant and through a survey of several other ADHC centers in the area. Most of the participants at Bay Area ADHC will have some type of physical ailment that would preclude them from driving themselves to the site. Those participants capable of driving will also likely choose to use the free door-to-door transportation for the sake of ease and accessibility. The transportation will be in the form of vans and mini-buses that are all accessible and will have a driver that would assist any passengers needing help boarding the bus. Participants will also have the option to use the VTA's Outreach Transit services.

The applicant is proposing a new drop off and pickup area for the ADHC provided transportation busses. This loading zone will be in the parking lot on the N. Fair Oaks side of the building, where currently the lot is striped for ten standard spaces and two handicapped spaces. On the building there is an

existing entrance into the tenant space with an awning above this door to provide protection from the elements. Staff believes this area is the most appropriate for a loading zone since it is farthest away from the adjacent residential use. Any noise generated by the buses and loading activity will be shielded away from residents by the building. Public Works has reviewed this circulation proposal and has agreed that this is the best solution for the site. Condition of Approval #4 requires that a majority of the loading and unloading occur in this designated area, although some loading and unloading may occur in the rear parking lot area only if necessary.

The site has gates at all three of its entrances. Condition of Approval #1 requires these gates are to remain open during the ADHC's business hours.

The proposed modification of the rear parking area to create the open space recreation area would reduce the number of available parking spaces on site by 7 spaces, from 167 to 160 spaces. Staff does not believe that this reduction will have an effect on the site since the number of parking spaces provided is in excess of the number of parking spaces required by SMC.

Compliance with Development Standards

The proposed project complies with current development standards with the exception of required parking, as discussed. No further improvements are required at this time.

Expected Impact on the Surroundings

The project site is surrounded by medium density and high density residential uses. Staff evaluated the potential traffic impacts from the proposed use and believes that there will not be a significant effect on the surrounding neighborhood since most participants will use the free shuttle service. The applicant will be working with the City's Traffic Department to complete a site circulation study that will help to alleviate any traffic impacts during peak hours of operation.

Findings

Staff was able to make the required Findings based on the justifications for the Special Development Permit.

- Recommended Findings are located in Attachment 1.
- Recommended Conditions of Approval are located in Attachment 2.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• Mailed to the adjacent property owners of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Alternatives

1. Approve the Special Development Permit with the Recommended Conditions of Approval found in Attachment 2.
2. Approve the Special Development Permit with modified Conditions of Approval.
3. Deny the Special Development Permit.

Recommendation

Alternative 1.

Prepared by:

Steve Lynch
Project Planner

Reviewed by:

Diana O'Dell
Senior Planner

Attachments:

1. Findings
2. Conditions of Approval
3. Project Description from Applicant
4. Project Plans

Recommended Findings – Special Development

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project.

Socio-Economic Element

Goal 5.1G/Policy 5.1G1 Enhance the provision of health care and social services to Sunnyvale residents by providing opportunities for the private marketplace to meet the health and social service needs of the City residents.

Bay Area ADHC will provide a health care service for the senior population in Sunnyvale, which is currently an unmet need for the residents. In addition, Bay Area ADHC is a private business health provider that will meet a need that is currently not provided for by public services.

Policy 5.1H.10 Encourage the provision of residential health care services for seniors by the private sector.

The proposed ADHC will provide private sector health care services to the senior population of Sunnyvale.

Policy N1.14 Support the provision of a full spectrum of public and quasi-public services that are appropriately located in residential, commercial, and industrial neighborhoods and ensure that they have a beneficial effects on the surrounding area.

Bay Area ADHC is a unique and desirable use for the City that will provide a service to the elderly population that cannot be provided by any other similar business. In addition, the project is appropriately located in a zone where the business will be compatible with the surrounding uses. There are a limited number of parcels/buildings where Bay Area ADHC could be appropriately located in Sunnyvale and the subject site is one such parcel.

2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District.

The project is compatible with the existing uses in the surrounding area, which contains multi-family residential homes. The project will not negatively impact adjacent properties or significantly increase noise and traffic in the neighborhood.

Recommended Conditions of Approval

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions, the Permittee expressly accepts and agrees to comply with the following Conditions of Approval for this Permit.

1. All gates at the site are to remain open during the ADHC's business hours.
2. A separate building permit is required for all proposed new wall signs. This site has a master sign agreement.
3. A separate permit is required from Planning for any new monument signs.
4. A majority of the loading and unloading shall occur in the parking lot nearest to N. Fair Oaks Av, although some loading and unloading may occur in the rear parking lot area only if necessary.
5. Obtain Building Permits for the proposed tenant improvements and exterior patio area.
6. The conditions of approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
7. This Special Development Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to the expiration date.
8. The Special Development Permit for the use shall expire if the use is discontinued for a period of one year or more.
9. Hours of operation shall be limited to the following times:
Monday through Saturday 8:00 a.m. to 6:00 p.m.
10. The maximum number of participants over a day may not exceed 300.
11. No food preparation is allowed on site. All food service must be provided by an outside vender.
12. Door-to-door transportation must be provided for all participants on a daily basis.
13. Obtain a business license from the City of Sunnyvale Revenue Division prior to commencement of use.

14. Obtain a State ADHC license.

Fire:

15. Provide monitoring for sprinkler system water flow and control valve tamper signals to an approved location (UFC 1003.3, MC 16.52.250

16. Install a California State Fire Marshal approved fire alarm system on the premises. (UFC 1007)

17. Provide approved fire extinguishers (minimum size 2A10BC).

Public Works:

18. Provide information on waste a management plan, including the location and size of garbage and recycling enclosure to the City's Public Works Department prior to issuance of the building permit. This will determine the required solid waste capacity necessary for the business.

19. Maintain 40 ft vision triangle at intersection of N. Fair Oaks and Tasman and all driveway locations.

20. Provide the Traffic Department with a circulation plan for the site that identifies the loading and unloading zone.

Bay Area Adult Day Health Care Center (ADHC)

Project Description

Adult Day Health Care (ADHC) Center is a community-based day program providing a variety of health, therapeutic, and social services designed to serve the needs of those at risk of placement in a nursing facility including elderly persons and other adults with some kind of impairment for the purpose of restoring or maintaining optimal capacity for self care. These centers provide services through an individual plan of care and target adults who are at the institutional level of care or at risk of institutional placement. ADHC is a Medi-Cal benefit. The California Department of Aging (CDA) administers the program and the centers are licensed by State Department of Health Services as health care facilities.

The ADHC offers a daytime program from 8:00/9:00AM to about 3:00/6:00PM Monday through Saturday with combination of psychological, health, and/or rehabilitative services in a setting that is enjoyable, emotionally supportive and relatively informal. The center brings together participants in a group setting to promote socialization, provide peer support and strengthen participant self-esteem and motivation for self-care as well as control costs. Each Center has a multidisciplinary team of health professionals that conducts a comprehensive assessment of each participant to determine specific needs. If the applicant meets the eligibility criteria the team develops an individualized plan of care that may include any of the following services: physical therapy, Occupational therapy, nursing services, transportation to and from the center, meals, snacks and nutritional counseling, social services, and recreational and social activities.

The facility planned for about 200+ (definitely under 300) participants. The required multi-disciplinary team would require the following staff: Administrator, Program Director, Nurse, Social Worker, Activity Coordinator, and Program Aid (1 Aid for 16 participants) in total about 20 full-time employees. Some services are contracted on as needed bases. It is recommended to have about 60 square feet per participant excluding offices. This requirement is a more stringent that that of the UBC, so the Department of Health requires E.3 classification only, even though the footage of this building support higher – A2.1 classification).

ADHC location is flexible and could include community centers, office buildings, church halls, converted school buildings, etc. The participants are brought in by the Center provided transportation and no significant parking would be required.

ADHC Requirements to Commercial Office Space

Capacity: for 200+ participants the requirements are as follows:

- 15,000 to 18,000 sq. feet of space
- min of 14 toilet heads
- Two Emergency exit(s)

Zoning requirements/Classification: ITR

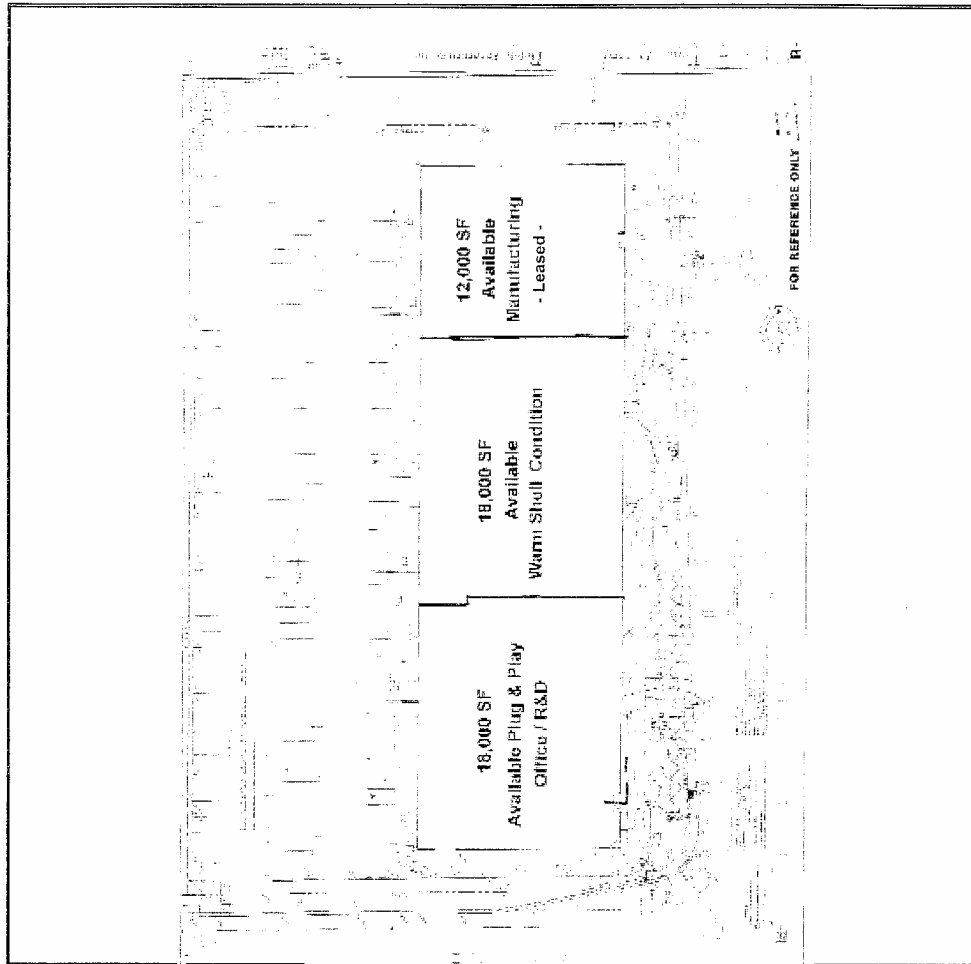
Building Department Clearance: required E.3 approval (auditorium)

Fire Department Clearance: required

Traffic Impact: only positive, the participants will be bussed in and out; total of up to 20 employees/park places.

Site Plan

1161 N. Fair Oaks Avenue • Sunnyvale, CA



For more information contact Exclusive Agents

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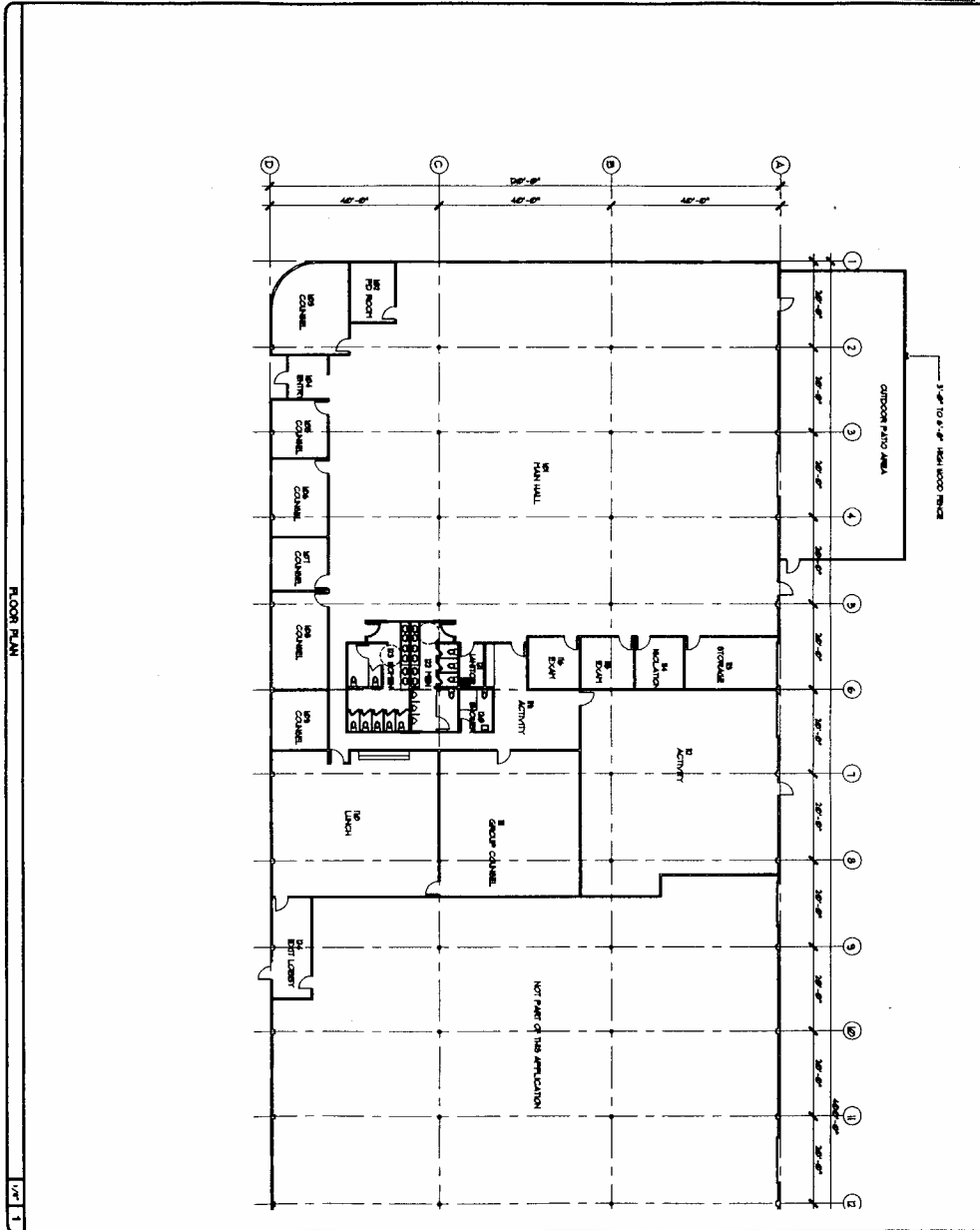
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Legend
A-2
1/4" = 1'-0"

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